

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

In re: BEECH-NUT NUTRITION COMPANY  
BABY FOOD LITIGATION

Master File No. 1:21-CV-00133-DNH-  
CFH

This Document Relates To:  
ALL ACTIONS

**STIPULATION AND ORDER TO SET BRIEFING SCHEDULE**

WHEREAS the Court previously ordered that the then-pending related actions filed against Defendant Beech-Nut Nutrition Company (“Defendant”) be consolidated pursuant to Fed. R. Civ. P. 42(a) and allowed for any actions subsequently filed, removed, or transferred to this Court to be consolidated (the “Consolidated Actions”) (ECF No. 55, ¶¶1, 4);

WHEREAS the Court ordered that Erin Green Comite of Scott+Scott Attorneys at Law LLP and Steven L. Bloch of Silver Golub & Teitell LLP be appointed as Co-Lead Interim Counsel for Plaintiffs and the putative Class, and that E. Stewart Jones Hacker Murphy, LLP be appointed as Interim Liaison Counsel for Plaintiffs and the putative Class (ECF No. 167);

WHEREAS Co-Lead Interim Counsel contemplate filing and serving a Consolidated Amended Class Action Complaint (“Consolidated Complaint”);

WHEREAS the Court ordered that Defendant need not answer, move, or otherwise respond to any Consolidated Complaint until sixty days following service of the Consolidated Complaint, or May 15, 2021, whichever is later (ECF No. 55, ¶5);

NOW THEREFORE, Plaintiffs and Defendant through their respective counsel and subject to the Court’s approval stipulate that:

1. The Court shall consolidate the case captioned *Abbott v. Beech-Nut Nutrition Company, Inc.*, Case No. 1:21-cv-822-DNH-CFH (N.D.N.Y. filed July 19, 2021) into Master File No. 1:21-CV-00133-DNH-CFH as contemplated in docket entry 11 in the *Abbott* case;
2. Plaintiffs shall file a Consolidated Complaint on **June 24, 2022**;
3. Defendant agrees to accept service of the Consolidated Complaint upon its e-filing on Pacer in Master File No. 1:21-CV-00133-DNH-CFH or on June 24, 2022, whichever is later, and shall answer, move, or otherwise respond to the Consolidated Complaint on **August 29, 2022**;
4. Should Defendant file a motion to dismiss, Plaintiffs will file their brief in opposition on **October 10, 2022** and Defendant will file its reply brief on **November 7, 2022**.

**IT IS SO STIPULATED.**

Dated: May 2, 2022

Respectfully submitted,

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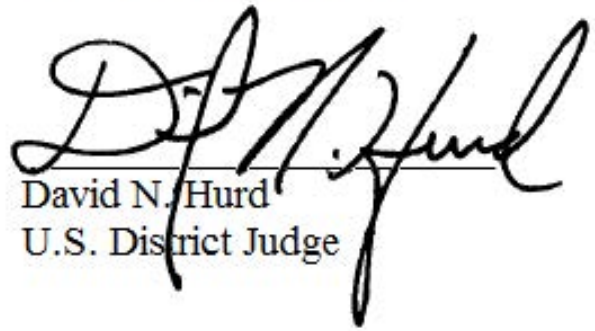
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*Attorneys for Defendant Beech-Nut Nutrition Co.*

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "D. N. Hurd", is written over a horizontal line. Below the line, the name "David N. Hurd" and the title "U.S. District Judge" are printed in a serif font.

David N. Hurd  
U.S. District Judge

Dated: 5-4-2022